

REMARKS/ARGUMENTS**I. Introduction**

Claims 1-30 were presented for examination. Claims 1-7, 10-22 and 24-30 are hereby canceled without prejudice or disclaimer. Accordingly, the rejections of these claims have been rendered moot. Claims 8 and 23 are hereby amended to put the claims into independent form. Accordingly, claims 8-9 and 23 are now pending.

Of the pending claims, claims 8 and 9 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,363,349 ("the Urs patent"). In addition, claim 23 stands rejected under 35 U.S.C. §103 over the Urs patent in view of U.S. Patent No. 6,408,272 ("the White patent").

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that pending claims 8 and 9 are not anticipated under 35 U.S.C. § 102 and pending claim 23 is not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully invite the Examiner to contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits are issued.

The applicants will now address each of the issues raised in the outstanding Office Action.

II. Amendments to the Specification

The specification has been amended at page 23, line 27 to correct a typographical error by changing "SD" to "SI", and a typographical error was

corrected on page 37, line 4 by changing "interval" to "integral." No new matter has been added to the specification.

III. Rejections under 35 U.S.C. § 102

Claims 8 and 9 Are Patentable

Claims 1-10, 12, and 14-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,363,349 ("the Urs patent"). Claims 1-7, 10, 12, and 14-15 have been canceled. Claim 8 has been re-written in independent form, incorporating the elements of canceled claims 6 and 7 and is urged to be allowable for the following reasons:

Claim 8 recites, *inter-alia*, "initiating an additional telephone call to a telephone where the human being who was the source of speech corresponding to said speech data can be contacted" and the Urs patent does not teach, describe or suggest this limitation.

The purpose of this step in the claimed invention is described in the specification on page 28, lines 15-24:

In such a case, where the customer's computer 50 will not be used to place the call, the call setup routine 615 signals the telephone switch via interface 606 to initiate a call to the contact telephone number where the subscriber can be reached and to the telephone number corresponding to the recognized name. Once both parties answer, the call setup routine instructs the switch to bridge the calls thereby completing a call between the Internet based voice dialing service user and the party being called (emphasis added).

In contrast to the subject matter of claim 8, the Urs patent doesn't address the situation where the customer's computer will not be used to place the call. For example see the Urs patent, Col.2, lns 40-49:

The communication infrastructure receives a request from a communication unit for a communication service that supports both voice and data communication and receives a call request for a call between the communication unit and a communication device. The communication infrastructure establishes a voice path between the communication unit and the communication device using a wireless communication resource and establishes a data path

between the communication unit and a distributed speech processing unit using the wireless communication resource (emphasis added).

Even though the Urs patent allows for the setting up of a 3-way conference call, such a call would be set up between the customer and two other parties. In such an event, the communication infrastructure of the Urs patent would not “initiate a call to the contact telephone number where the subscriber can be reached” (specification, page 28, lines 18-19).

The Urs patent does not teach or describe “initiating a call to the contact telephone number where the subscriber can be reached.” Further, there is no teaching or suggestion to make such a call, as there would be no need to do so under the Urs patent. The communication infrastructure of the Urs patent already has a voice communication path to the subscriber (col. 2, ln 42) without initiating such a call. However, for the sake of argument, even if it did initiate such a call (which it doesn’t and wouldn’t), it would necessarily establish a loop from the subscriber to the communication infrastructure back to the subscriber, which doesn’t accomplish the functionality of Applicant’s claim 8.

Because of the basic difference between the architecture of the instant invention and the Urs patent (the instant invention can be utilized via a computer that doesn’t have voice capability, and the Urs patent cannot), there is no teaching or suggestion in the Urs patent to initiate a call to the subscriber, as is called for in claim 8. It is therefore respectfully submitted that claim 8 is neither anticipated nor rendered obvious by the Urs patent, and this rejection should be withdrawn.

Rejected claim 9 is dependent on allowable claim 8, and therefore is similarly patentable over the Urs patent, and its rejection should be withdrawn.

IV. Rejections under 35 U.S.C. § 103

Claim 23 is Patentable

Claim 23 has been re-written in independent form, incorporating the elements of canceled claims 6, 14, 15, and 22. Pending claim 23, along with canceled claims

13, 19, and 21, was rejected under 35 U.S.C. § 103(a) over the Urs patent in view of the White patent.

Amended claim 23 is patentable because it recites as an element:

transmitting to the remote speech processing facility a contact telephone number corresponding to a telephone at which a human being who was the source of the received speech can be contacted (emphasis added).

As was discussed above, there is no teaching or suggestion in the Urs patent to utilize the telephone number of the subscriber (the source of the received speech). The White patent fails to make up for this deficiency. There is no teaching or description in the White patent to utilize the subscriber's number. The White patent simply provides:

a system and method for a distributed voice user interface (VUI) in which a remote system cooperates with one or more local devices to deliver a sophisticated voice user interface at the local devices. The remote system and the local devices may communicate via a suitable network . . . (col. 1, ln 65 to col. 2, ln 3).

As discussed above, there is a clear reason and benefit in the instant invention to have the speech processing facility initiate a call to the subscriber, whereas there is no need (nor teaching or indication of a benefit) in the Urs patent nor the White patent for such a feature.

In view of the above, is therefore respectfully submitted that amended claim 23 is patentable, and the rejection should be withdrawn.

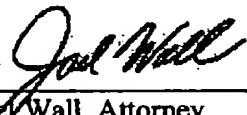
V. Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, reconsideration and allowance of the pending claims are respectfully requested and applicant requests that the Examiner pass this application to issue.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Joel Wall, Attorney
Reg. No. 25,648

Verizon Corporate Services Group Inc.
600 Hidden Ridge Drive
Mail Code: HQE03H14
Irving, Texas 75038
(972) 718-4800
CUSTOMER NO. 32127

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February 9, 2004
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